



Consumer Electronics Association

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November 2, 2004

***Via Electronic Filing***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: MB Docket No. 04-160  
National Association of Broadcasters Petition for Declaratory Ruling  
Regarding Programming Carried by Satellite Digital Audio Radio  
Services**

Dear Ms. Dortch:

As discussed in its letter of June 4, 2004, the Consumer Electronics Association (“CEA”) urges the Commission to dismiss the Petition for Declaratory Ruling filed by the National Association of Broadcasters (“NAB”) because it would drastically limit the innovative service offerings of the satellite radio providers, XM Satellite Radio Inc. (“XM”) and Sirius Satellite Radio Inc. (“Sirius”), to the detriment of the consumer electronics industry and American consumers.

Thousands of XM and Sirius supporters filed comments or letters with the Commission regarding the critical need to ensure continuation of these innovative weather and traffic services. This resounding support cannot be overlooked. As noted by the United States Department of Transportation (DOT) in its reply comments in this proceeding: “it is beyond question that there is a strong public interest in making these services available to drivers information that is relevant to their actual and potential journeys.”<sup>1</sup> CEA is in complete agreement and fully supports DOT’s and the FCC’s continued view that improving access to information can only serve the public interest.

The innovative services offered by XM and Sirius are prime examples of the technological innovation that fuels the consumer electronics industry and the U.S economy. In the interest of fostering such innovation, CEA urges the Commission dismiss NAB’s Petition and reaffirm its longstanding commitment to facilitating innovative use of spectrum

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<sup>1</sup> Reply Comments of the United States Department of Transportation, at p. 2 (filed June 21, 2004).

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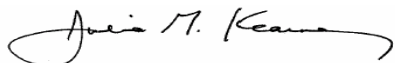
and technology, to the benefit of American consumers and the vibrant consumer electronics industry.

Respectfully submitted,



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Michael Petricone  
Vice President  
Technology Policy



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Julie M. Kearney  
Senior Director  
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cc: Elizabeth Andrion, FCC  
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